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Subject: Microsoft Settlement

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It is the belief of many in the education and technology fields that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by proliferating the use of their operating system and attendant application programs to the exclusion of very viable software alternatives. Students in American public schools can only learn to use computers, an essential skill for the coming generation, on the products provided to them.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved \$1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step. The present savings represent its use in their servers only.

<http://opensourceschools.org/article.php?story=20011207001012102>

In Brazil, Rio Grande do Sul's state university has saved about \$500,000 using a free alternative to software running with Microsoft's proprietary database system. Using the free, open source database called

SAGU, the school and 5 branch campuses manage matriculation, grading, scheduling and several other administrative functions. The student computer labs have also saved thousands of dollars using Linux as a replacement for Microsoft Windows. Relicensing fees have dropped dramatically in the three years since switching over to Linux totalling a savings of around \$20 million.

http://www.businessweek.com/technology/content/oct2001/tc20011025_8523.htm

Microsoft should pay its fine in hardware donations only. Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. Any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software.

http://biz.yahoo.com/bw/011120/202744_1.html

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. It is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement.

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